IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

**WRIT PETITION NO.6538 OF 2004**

Seva Shikshan Sanstha ).. Petitioner

Versus

The State of Maharashtra and others ).. Respondents

Mr.R.S.Khadapkar with Mr.R.G.Ketkar for the Petitioner.

Mr.R.M.Patne, A.G.P., for Respondent Nos.1 to 3.

**CORAM: H.L. GOKHALE AND SMT.NISHITA MHATRE, JJ.**

**DATED: 28TH SEPTEMBER 2004**

**P.C.:**

1. Heard Mr.Khadapkar for the Petitioner. Mr.Patne, A.G.P., appears for Respondent Nos.1 to 3.

2. This Petition filed by a School situated at Village Khakurdi, Taluka Malegaon, District Nasik seeks to challenge the opening of two schools of Respondent Nos.4 and 5 at Villages Pohane and Kajwade both situated in the same Taluka. The grievance of the Petitioner is that these two Villages are in the near vicinity at a distance of about 6 to 7 kms. and allowing them to open school will affect the strength of the Petitioner's students. From the Petition it is seen that the Petitioner school is having some 589 students out of which some 36 are from Pohane and 12 from Kajwade. We do

not think that this will affect the working of the Petitioner's school. That apart whereas the approval to these schools was given by the Deputy Director of Education in June 2001, although this Petition was filed in October 2001, Petitioner has never cared to move it for any interim order or otherwise. More than three years have gone since then. These schools must have started functioning. In the circumstances, no interference is called for. Petition is dismissed.

**(H.L. GOKHALE, J.)**

**(SMT.NISHITA MHATRE, J.)**